

**REMARKS/ARGUMENTS**

Claims 22, 23, 24, 26-32 and 34-46 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ernest et al (U.S. 4,426,320) in view of Ernst (U.S. 3,290,876). However, the rejection fails to address claim limitations. Neither of Ernest '320 nor Ernst '876 individually or in combination teach a product including a catalyzed foam filter and a wall flow filter combination including, inter alia, "wherein the wall flow filter has at least one through hole cell formed therein running the longitudinal length of the wall flow filter". The quoted limitation appears in each of the independent claims 22, 30, 40, and 43 but is never addressed in the rejection. Examples of such a limitation are illustrated in the instant application, Figs. 3-4 wherein the wall flow filter 118 includes at least one through hole cell 120 formed therein running the longitudinal length of the wall flow filter 118. Since the rejection doesn't address the limitation and neither of the references suggest the same, no prima facie case of obviousness has been established. Withdrawal of the rejection is respectfully requested.

Claims 22, 23, 24, 26-32 and 34-46 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rummler et al (U.S. 5,853,579) in view of Ernst (U.S. 3,290,876). However, again the rejection fails to address limitations set forth in the independent claims. Independent claim 22 recites, inter alia, wherein the catalyzed foam filter and wall flow filter are constructed and arranged so that "exhaust first flows through the catalyzed foam filter and then flows through the wall flow filter". Independent claim 30 recites, inter alia, wherein each filter combination is constructed and arranged so "the exhaust first flows through the catalyzed foam filter and then flows through the wall flow filter." Independent claim 40 recites, inter alia, wherein the catalyzed foam filter includes a side edge and a rear face and wherein the wall flow filter surrounds at least a portion of the side edge, and so that a space is provided between the wall flow filter and the side edge ... and wherein the combination is constructed and arranged so that "the exhaust first flows through the catalyzed foam filter and then flows through the wall flow filter". Independent claim 43 recites, inter alia, wherein the catalyzed foam filter and the wall flow filter are constructed and arranged so diesel engine exhaust "gas first flows through the catalyzed foam filter and then flows through the wall flow filter." The Examiner's attention is

respectfully directed, for example, to the instant application, Figs. 3-4, wherein the catalytic foam filter 110 is positioned so that exhaust must flow first through the catalyzed foam filter 110 and then thereafter flow through the wall flow filter 118. In the illustrative embodiment shown in Figs. 3-4, a separator 106 prevents exhaust gas from flowing first through the wall flow filter 118 or simultaneously through both the wall flow filter 118 and the catalyzed foam filter 110. The limitations set forth in the independent claims regarding the order in which the exhaust gas flows through the catalyzed foam filter and then the wall flow filter is not shown or suggested by the references. In Rummler et al, at best, the exhaust gas flows first through a space provided between a catalytic coated ceramic air filter 156 in a quartz glass wall 520 in Fig. 22B or between a catalyst coated ceramic air filter 156 and a ceramic chamber wall 530 in Fig. 23C. Ernst '876 doesn't overcome the deficiencies in Rummler et al. No prima facie case of obviousness has been established. Withdrawal of the rejection is respectfully requested.

Claims 43 and 44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rummler et al (U.S. 5,853,579) in view of Ernst (U.S. 3,290,876) and either one of Miller et al (3,319,793) or Nagaoka (6,488,842). Again, independent claim 43 recites, inter alia, wherein the catalyzed foam filter and the wall plug filter are constructed and arranged so diesel engine exhaust "gas flows first through the catalyzed foam filter and then flows through the wall plug filter." In Rummler et al, at best, the exhaust gas flows first through a space provided between a catalytic coated ceramic air filter 156 in a quartz glass wall 520 in Fig. 22B or between a catalyst coated ceramic air filter 156 and a ceramic chamber wall 530 in Fig. 23C. The disclosures of Ernest '876, Miller '793 and Nagaoka '842 individually or in combination fail to overcome the deficiencies of Rummler et al '579. No prima facie case of obviousness has been established. Withdrawal of the rejection is respectfully requested.

Applicant maintains that numerous features in the dependent claims are not shown in the references relied on, such features being highlighted in Applicant's response of June 23, 2009. Furthermore, Applicant does not agree with the assertions of the Examiner. However, because no prima facie case of obviousness has been established, at least for the reasons set forth above, addressing each and every assertion of the Examiner is not necessary because the


Examiner has simply failed to carry his burden of establishing why Applicant should not be entitled to a patent.

In view of the above remarks, Applicant respectfully requests reconsideration and allowance of the claims now in the case.

Applicant hereby authorizes the Examiner to charge Deposit Account No. 50-0852 the fee for a three-month extension of time necessary to timely file this Response.

Respectfully submitted,

Reising Ethington PC  
P.O. Box 4390  
Troy, Michigan 48099-4390  
Telephone: 248-689-3500  
Facsimile: 248-689-4071

By   
CARY W. BROOKS  
Registration No. 33,361

Dated: February 26, 2010